STATE OF MICHIGAN

COURT OF CLAIMS

ATSALIS BROTHERS PAINTING CO.,

Plaintiff,

v

Case No. 20-000172-MK

MICHIGAN DEPARTMENT OF TRANSPORTATION,

Hon. Randy J. Wallace

Defendant.
_____ /

NOTICE OF TRIAL AND PRETRIAL ORDER

IT IS HEREBY ORDERED:

1. A **final pretrial phone conference** shall be held on **Monday, January 11, 2027, at 11:00 a.m.** The Court will initiate the call**.** The trial attorneys and persons with settlement authority must be on the call.
2. **Trial** will begin on **Monday, January 25, 2027, at 9:30 a.m.** and will continue until conclusion at the Michigan Court of Appeals Courtroom A located at 3020 W. Grand Blvd, Suite 14-300, Detroit, MI 48202. The trial schedule is as follows:

   Week One: January 25 to 29, 2027, beginning at 9:30 a.m.

   Week Two: February 1, 4, and 5, 2027, beginning at 9:30 a.m.

   Week Three: February 8 and 11, 2027, beginning at 9:30 a.m.

   Week Four: February 16 to 19, 2027, beginning at 9:30 a.m.

   Week Five: February 22 to 26, 2027, beginning at 9:30 a.m.

   Trial dates for Weeks Two through Five are subject to change. If any change is needed, the Court will enter an amended notice of trial.

3. Twenty-one (21) days before trial, i.e., no later than **12:00 noon on January 4,** 2027, the parties must jointly prepare and file with the Court a Final Pretrial Statement providing the following:

   a) **Plaintiff's Theory:** Statement of claim or claims, including legal theories.

b) **Defendant's Theory:** Statement of claim or claims, including legal theories.

c) **Uncontested Facts:** A stipulation of all uncontested facts (including admissions).

d) **Contested Facts:** A statement of the contested facts.

e) **Relevant Law:** A list of the elements for each cause of action (with citation to authority).

f) **Witnesses:** The names of all witnesses (including experts) intended to be called at trial.

g) **Depositions:** A list of all depositions to be used at trial.

h) **Damages:** An itemized statement of specific damages.

4. All **Exhibits** shall be provided to the Court 21 days before trial in the manner indicated below:

a) The parties will meet and confer to prepare and assemble a joint Exhibit Book which contains all exhibits which will be offered at trial.

b) Each exhibit and each page of each exhibit will be identified; for example: Plaintiff's Exhibit 1, Page 1 of 10; Plaintiff's Exhibit 1, Page 2 of 10, etc.

c) The parties shall generate and place in the Exhibit Book a joint Exhibit Chart that appears similar to the following:

Plaintiff's Exhibit List					
Exhibit No.	**Description**	**Witness to be Offered Through**	**Date Offered**	**Date Admitted or Rejected**	**Other**
1	Contract between parties	Jane Smith	by stipulation	by stipulation	
2	Expert's Chart of Damages	John Jones	by stipulation	by stipulation	

d) Section 1 of the Exhibit Book shall be plaintiff's stipulated exhibits; Section 2 of the Exhibit Book shall be defendant's stipulated exhibits; Section 3 of the Exhibit Book shall be plaintiff's contested exhibits; and Section 4 of the Exhibit Book shall be defendant's contested exhibits.

e) Absent conditions of a truly exceptional nature and not able to have been anticipated before trial, if a party offers an exhibit at trial that is not in an Exhibit Book as described in (d) above, the exhibit shall not be admitted or allowed for any use at trial, including cross-examination and impeachment.

f) The Exhibit Book shall be prepared in both a physical book as well as a digital version (thumb drive, etc.). The parties shall provide the Court with three copies of the Exhibit Book: one each for the judge, the judge's law clerk, and the Court of Claims Clerk's Office; as well as three digital versions.

5. Any pretrial, nondispositive motions must be filed no later than **Monday, January 4, 2027, at 4:30 p.m.** All response(s), if any, to such motions must be filed no later than **Wednesday, January 13, 2027, at 4:30 p.m.** Oral argument(s) will be heard on such motions via Zoom on **Friday, January 15, 2027**, beginning at 10:00 a.m. and continuing until all motions have been argued.

6. It is the parties' duty to notify the Court of any settlement by noon on the last business day before trial.
7. An adjournment or recess will not be granted because a witness or evidence is not ready or present. Any witness who is not present and ready to testify will be deemed waived.
8. Trial briefs shall be filed seven days before trial, on or before **12:00 noon on Monday, January 18, 2027.**
9. Following a bench trial, the Court may require the parties to submit proposed findings of fact and conclusions of law.
10. Parties have expressed an interest in and are encouraged to seek mediation in this matter.

Date: June 23, 2026

Hon. Randy J. Wallace
Judge, Court of Claims